

**REMARKS**

No changes have been made to the claims. Claims 1, 2, 4, 5, and 42-45 are pending and under consideration. No new matter is presented in this Amendment.

**REJECTIONS UNDER 35 U.S.C. §112:**

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner states that the "claim recites "computer readable data storage medium," however, such language is not present in the specification." Office Action at page 2. Applicants respectfully direct the Examiner's attention to paragraph [0016] of the application as filed, which states "advancements in Internet technologies trigger development of personal computers (PCs) capable of processing multimedia." Further, the specification states, "the conventional DVD, which is a multimedia data storage medium." See paragraph [0015]. Paragraph [0017] states "[a]ccording to an aspect of the present invention, there is provided a data storage medium and a data reproduction apparatus." Such disclosures surely provide description sufficient to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the "computer readable data storage medium" as recited in claims 1, 2, 4, and 5. As such, it is respectfully requested that these rejections be withdrawn and that claims 1, 2, 4, and 5 be allowed to issue.

**REJECTIONS UNDER 35 U.S.C. §102:**

Claims 1, 2, 4, 5, and 42-45 are rejected under 35 U.S.C. §102(e) as being anticipated by Kato et al. (U.S. Patent Application Publication No. 2002/0164152). The Examiner asserts that Kato et al. describes a Playlist recorded on a first layer and a Clip (comprising Clip Information and Clip AV Stream) recorded on a second layer for AV stream management. Office action at pages 3-4, and Kato at paragraphs [0170]-[0171].

In contrast, **claim 1** recites "a first file comprising reproduction information for reproducing audio visual stream data, the reproduction information comprising information

indicating a reproduction interval of the audio visual stream data; and a second file comprising navigation data which is used to select the reproduction information, wherein the first file and the second file are recorded separately on the data storage medium." The Examiner indicated that "a second file" as recited in claim 1 corresponds to the "clip information file" as disclosed in paragraph [0171] of Kato. Office action at page 3. However, the second file as recited in claim 1 comprises navigation data which is used to select the reproduction information, and the reproduction information comprises information indicating a reproduction interval of the audio visual stream data. However, the clip information file of Kato, referring to FIG. 3 and paragraph [0171], is different than the second file of claim 1 as the clip information of Kato has address information about the data in Clip AV stream file. That is, the navigation data of the second file as recited in claim 1 is used to select the reproduction information comprising information indicating a reproduction interval of the audio visual stream data, whereas the clip information file of Kato is information related directly to Clip AV stream file, not the reproduction information. Accordingly, "a second file" as recited in claim 1 is different from the "clip information file" of Kato. Further, Kato never discloses the navigation data, which is used to select the reproduction information comprising information indicating a reproduction interval of the audio visual stream data, as recited in claim 1. Therefore, it is respectfully requested that this rejection be withdrawn and that claim 1 be allowed to issue.

Because **claims 2, 4, and 5** depend upon and incorporate the features of claim 1, claims 2, 4, and 5 are patentable for at least similar reasons as claim 1. Thus, it is respectfully requested that these rejections be withdrawn and that claims 2, 4, and 5 be allowed to issue.

**Claim 42** includes features similar to the features of claim 1. Specifically, claim 42 recites "a reader which reads a first file comprising reproduction information for reproducing audio visual stream data, the reproduction information comprising information indicating a reproduction interval of the audio visual stream data and a second file comprising navigation data which is used to select the reproduction information from the data storage medium; and a controller which reproduces the audio visual stream data from the data storage medium based on the first file and the second file, wherein the first file and the second file are recorded separately on the data storage medium." As described above with respect to claim 1, Kato et al. cannot anticipate claim 42. As such, it is respectfully requested that this rejection be withdrawn and that claim 42 be allowed to issue.

Because **claims 43-45** depend upon and incorporate the features of claim 42, claims 43-

45 are patentable for at least similar reasons as claim 42. Thus, it is respectfully requested that this rejections be withdrawn and that claims 43-45 be allowed to issue.

Claims 1 and 42 are rejected under 35 U.S.C. §102(a) as being anticipated by admitted prior FIG. 3 and discussion in paragraph [0005]. FIG. 3 of the current application shows the VMGI file and the VOBS for Menu on a same layer. Further, there is no disclosure of layers with respect to FIG. 3.

In contrast, as described above, **claim 1** recites "a first file comprising reproduction information for reproducing audio visual stream data, the reproduction information comprising information indicating a reproduction interval of the audio visual stream data; and a second file comprising navigation data which is used to select the reproduction information, wherein the first file and the second file are recorded separately on the data storage medium." And, **claim 42** recites features similar to the features of claim 1. The VMG area includes control information and title selection information. Paragraph [0004]. The VMGI area stores additional information regarding the VMG area, and the VOBS for Menu stores video object information of a menu. Paragraph [0005]. Such admissions do not anticipate claims 1 and 42. In order to anticipate, all of the elements must be arranged in the cited reference as required by the claim. See MPEP §2131. As discussed above with respect to Kato, the navigation data of the second file as recited in claim 1 is used to select the reproduction information comprising information indicating a reproduction interval of the audio visual stream data. The Examiner has failed to show how the VMGI of FIG. 3 discloses the reproduction information comprising information indicating a reproduction interval of the audio visual stream data as recited in claim 1. As such, the disclosure of FIG. 3 and paragraph [0005] does not anticipate the invention as recited in claim 1. Thus, it is respectfully requested that these rejections be withdrawn and that claims 1 and 42 be allowed to issue.

**CONCLUSION:**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

STEIN, MCEWEN & BUI, LLP

Date: Feb 12, 2009

By: Nathan H. Cristler  
Nathan H. Cristler  
Registration No. 61,736

1400 Eye St., NW  
Suite 300  
Washington, D.C. 20005  
Telephone: (202) 216-9505  
Facsimile: (202) 216-9510